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\*\*E-Filed 7/2/2009\*\*

Attorneys for Third-Party Defendant  
 SQUARE D COMPANY, a Delaware corporation

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

THE UNITED STATES OF AMERICA,  
 for the use and benefit of SUMMERS  
 GROUP, INC. a Delaware corporation  
 doing business as REXEL PACIFIC,

Use-Plaintiff,

v.

MID VALLEY ELECTRIC &  
 COMMUNICATIONS, INC., a  
 corporation dba CLYDE G. STEAGALL,  
 INC.; FIREMAN'S FUND  
 INSURANCE COMPANY, a California  
 corporation,

Defendants.

**AND RELATED COUNTERCLAIM**

SUMMERS GROUP, INC. a Delaware  
 corporation doing business as REXEL  
 PACIFIC,

Third-Party Plaintiff,

v.

SQUARE D COMPANY, a corporation,

Third-Party Defendant.

Case No.: C04 05458 JF/HRL

ORDER APPROVING

**JOINT STATUS REPORT**  
 AND REQUEST FOR CONTINUANCE  
 [Assigned to Judge Jeremy Fogel]

DATE: July 10, 2009  
 TIME: 10:30 A.M.  
 DEPT: 3

1 The parties, by and through their counsel, hereby submit this Joint Status  
2 Report to the Court in connection with the Status Conference which is set in the  
3 above-entitled matter on July 10, 2009 at 10:30 a.m.

4 On or about March 7, 2007, the Court issued an Order staying the above-  
5 entitled litigation based upon the fact that there is a separate litigation pending in the  
6 Court of Federal Claims between MID VALLEY ELECTRIC &  
7 COMMUNICATIONS, INC., a corporation dba CLYDE G. STEAGALL, INC.  
8 ("STEAGALL") and the NATIONAL AERONAUTICS AND SPACE  
9 ADMINISTRATION ("NASA"), the owner of the construction project which forms  
10 the basis for the above-entitled litigation.

11 The litigation between STEAGALL and NASA shall be hereinafter referred to  
12 as the "NASA Litigation". A tentative settlement has been reached in the NASA  
13 Litigation, however, NASA is still in the process of preparing its settlement memo and  
14 the terms of the settlement have not yet been approved. While the agreement is not  
15 yet formalized, STEAGALL does not believe that the settlement reached in the NASA  
16 Litigation will resolve all of the claims and disputes presented in the instant litigation.  
17 In light of the fact that the NASA Litigation settlement is not yet completed, the  
18 parties to the instant matter believe that it would be appropriate to put this matter over  
19 another 30 days and conduct a Status Conference sometime after August 10, 2009.

20  
21 DATED: 6-30-09

GIBBS, GIDEN, LOCHER, TURNER & SENET LLP

22  
23 By: 

Michael I. Wayne

Attorneys for Third-Party Defendant

SQUARE D COMPANY, a Delaware corporation

1 DATED:

THURBON & MCHANNEY, LP

2 By: \_\_\_\_\_

3 Erin Holbrook, Esq.

4 Attorneys for Defendants

5 MID VALLEY ELECTRIC & COMMUNICATIONS,  
6 INC., a corporation dba CLYDE G. STEAGALL,  
7 INC.

8 DATED:

WALSH & WALSH, P.C.

9 By: \_\_\_\_\_

10 Michael J. Walsh, Esq.

11 Attorneys for Use-Plaintiff

12 THE UNITED STATES OF AMERICA, for the use  
13 and benefit of SUMMERS GROUP, INC. a Delaware  
14 corporation doing business as REXEL PACIFIC  
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1 DATED: 6/30/09

THURBON & MCHANEY, LP

2 By: 

3 Erin Holbrook, Esq.

4 Attorneys for Defendants

5 MID VALLEY ELECTRIC & COMMUNICATIONS,  
6 INC., a corporation dba CLYDE G. STEAGALL,  
7 INC.

8 DATED:

WALSH & WALSH, P.C.

9 By: \_\_\_\_\_

10 Michael J. Walsh, Esq.

11 Attorneys for Use-Plaintiff

12 THE UNITED STATES OF AMERICA, for the use  
13 and benefit of SUMMERS GROUP, INC. a Delaware  
14 corporation doing business as REXEL PACIFIC

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16  
17 IT IS SO ORDERED. The Status Conference set for July 10, 2009 is hereby CONTINUED  
18 to August 14, 2009 at 10:30 a.m.

19  
20 Dated: 7/1/2009

21   
22 JEREMY FOGEL  
23 United States District Judge